

IN THE CIRCUIT COURT OF BRADLEY COUNTY, TENNESSEE

MOISES SANCHEZ

Plaintiff,

vs.

WACKER POLYSILICON NORTH
AMERICA LLC,

Defendants,

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NO. V-21-375

DIVISION _____

JURY DEMAND _____

GAYLA H. MILLER
CIRCUIT COURT CLERK
2021 JUL 23 PM 1:30
FILED

COMPLAINT

The Plaintiff, Moises Sanchez hereby files his Complaint against the Defendant, Wacker Polysilicon North America, LLC and shows the Court the following:

1. The Plaintiff is a resident and citizen of Rhea County, Dayton, Tennessee.
2. Defendant Wacker Polysilicon North America, LLC is a corporation licensed to do business in the state of Tennessee. Registered Agent for service of process is Brian L. Eftink, 533 McBryant Rd. NW, Charleston, TN 37310-6639.
4. The facts giving rise to this Complaint occurred in Bradley County, Charleston, Tennessee, at the Wacker Polysilicon plant. Therefore, this Court has both subject matter and personal jurisdiction.
5. The plaintiff, Moises Sanchez, is a pipefitter. On July 24, 2020 he was employed by Jake Marshall, LLC and was performing work on specific pipes at the Wacker facility. These pipes contained a corrosive liquid at high pressure and as Plaintiff, and his Jake Marshall co-workers began to work on the pipes the acid was released. Plaintiff and at least 3 of his co-workers were burned by the corrosive liquid.

EXHIBIT A

6. Defendant Wacker failed to control highly hazardous chemicals on its premises, leading to the release of corrosive chemicals. Defendant, Wacker informed Sanchez that the pipes to be worked on had been made safe for the work to begin. In fact, the pipes had not been made safe and still contained dangerous corrosive chemicals at high pressure when the Jake Marshall crew began to work on them.

7. Defendant had an obligation to provide a safe environment at facility premises.

8. Defendant Wacker was negligent by failing to maintain a safe premises and failing to control the hazardous chemicals.

9. Defendant Wacker was negligent in advising the plaintiff that the pipes were safe, not under pressure and empty of dangerous, corrosive chemicals.

10. As a result of the Defendant's negligence, the Plaintiff sustained personal injuries involving severe chemical burns.

WHEREFORE, Plaintiffs pray as follows:

(1) That summons and process issue and be served in the time and manner prescribed by Tennessee law;

(2) That a jury of twelve be empaneled to hear this cause;

(3) That Plaintiff, Moises Sanchez be awarded damages in the amount of \$1,000,000.00;

and

(4) Any and all other general and equitable relief the Court may deem just.

Respectfully submitted,

WARREN & GRIFFIN, P.C.

BY: 

John Scott Wesson, BPR 020555

Fred S. Clelland, BPR 014272

Attorneys for Plaintiffs

Suite 100, Dome Building

736 Georgia Avenue

Chattanooga, TN 37402

(423) 265-4878

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MOISES SANCHEZ

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COST BOND

The undersigned acknowledges and hereby binds the undersigned for the payment of all costs in this Court which may at any time be adjudged against Moises Sanchez the principal herein, in the event said principal shall not pay the same if so ordered by this Court.

WITNESS my hand this 23rd day of July, 2021.

Respectfully submitted,

WARREN & GRIFFIN, P.C.

BY: 

John Scott Wesson BPR 020555
Fred S. Clelland, BPR 014272
Attorneys for Plaintiffs
Suite 100, Dome Building
736 Georgia Avenue
Chattanooga, TN 37402
(423) 265-4878

State of Tennessee

IN THE CIRCUIT COURT OF BRADLEY COUNTY

MOISES SANCHEZ,

Plaintiff,

vs.

WACKER POLYSILICON NORTH AMERICA LLC,

NO. V. 21-375

DIVISION _____

JURY DEMANDED

FILED

2021 AUG -5 AM 11:56
GAYLA H. MILLER
CLERK OF COURT

SUMMONS

SERVE THROUGH BRADLEY COUNTY SHERIFF'S DEPARTMENT

TO: WACKER POLYSILICON NORTH AMERICA, LLC.

C/O REGISTERED AGENT:

BRIAN L. EFTINK

533 MCBRYANT ROAD, NW

CHARLESTON, TN 37310-6639

You are hereby summoned to defend a civil action filed against you in the Circuit Court, Bradley County, Tennessee.

Your defense must be made within thirty (30) days from the date this summons is served upon you. You are directed to file your defense with the clerk of the court and send a copy to the plaintiff's attorney at the address listed below. If you fail to defend this action by the below date, judgment by default may be rendered against you for the relief sought in the complaint

WITNESSED and Issued this 23 day of July, 2021

By [Signature]
Clerk/Deputy Clerk

Attorneys for Plaintiff: J. Scott Wesson, 736 Georgia Avenue Suite 100 Chattanooga, TN 37402
(423) 265-4878

Plaintiff's Address: Through Plaintiff's Attorney

Received this _____ day of _____, 20____

/s/ _____
Deputy Sheriff

ADA: If you need assistance or accommodations because of a disability, please call _____, ADA Coordinator, at (423) 209-7500

State of Tennessee,
County of Bradley

I, _____, Clerk of the Circuit Court, in and for the State and County aforesaid, hereby certify that the within and foregoing is a true and correct copy of the original writ of summons issued in this case.

By _____ D.C.

Circuit Court Clerk

OFFICERS RETURN

I certify that I served this summons together with the complaint as follows:

☒ On, 8-4, 20 21 ^{8:11:25}, I delivered a copy of the summons and complaint to the defendant, Wacker X Michael Wacker

☐ Failed to serve this summons within 90 days after the issuance because: _____

[Signature]
Sheriff/Deputy Sheriff

CLERK'S RETURN

I hereby acknowledge and accept service of the within summons and receive copy of the same, this _____ day of _____ 20____.

Defendant

By _____ D.C.

Circuit Court Clerk

NOTICE to Defendant(s)

TO THE DEFENDANT(S): Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption as well as a homestead exemption from execution or seizure to satisfy a judgment. The amount of the homestead exemption depends upon your age and the other factors which are listed in TCA § 26-2-301. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for your self and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.